



100 Wall Street
20th Floor
New York, NY 10005

Main: 212.431.8700
Fax: 212.334.1278
foster.com

Direct Phone: 212.965.4536
kara.steger@foster.com

November 16, 2021

VIA ECF

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

The requests are approved. So ordered.
/s/ Alvin K. Hellerstein
November 17, 2021

Re: The Kayo Corp. v. Fila U.S.A., Inc., Case No. 18-cv-03981 (AKH)

Dear Judge Hellerstein:

We represent Plaintiff The Kayo Corp. (“Kayo”) in the above-referenced action. On or about November 12, 2021, Kayo and Defendant Fila U.S.A., Inc. (“Fila”, collectively the “Parties”) filed a Confidentiality Stipulation and Proposed Protective Order (ECF No. 84) and a Joint Letter Motion to Seal (ECF No. 85-88). The Joint Letter Motion to Seal covered certain financials marked confidential by the Parties (the “Financials”) in this action.

The redacted documents with the Financials were subsequently submitted along with both Parties’ briefs in support of proof of damages. Portions of Kayo’s Exhibit B in support of its motion were (i) redacted to protect the Financials (ECF 88-2) and (ii) also filed under seal (ECF 90-4) (“ECF 90-4”) [collectively “Exhibit B”]. Due to a clerical error, pages 4 and 14 of Exhibit B included numbers that were to have been redacted as well. As a result, on November 15, 2021, Exhibit B was replaced with a new Exhibit B that is precisely the same as the Exhibit B filed on November 12, 2021 except for the additional redactions of the Financials on pages 4 and 14 (ECF No. 93-94).

Also on November 15, 2021, the ECF clerk informed our office that for ECF 90-4 to remain filed under seal, the Court must so order it. We write to request that the new Exhibit B, as filed on November 15, 2021 (ECF Nos. 93 and 94) be accepted by the Court in order to reflect the redacted Financials and request that the Court direct ECF No. 90-4, the original filing of Exhibit B, remain under seal as it includes the confidential Financials.

Hon. Alvin K. Hellerstein
November 16, 2021
Page 2

Respectfully submitted,

FOSTER GARVEY PC

/s/ Kara M. Steger

Kara Steger

cc: All Counsel of Record
Via ECF